

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

20363-012 NATL

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/009,584

INTERNATIONAL APPLICATION NO.

PCT/US00/15325

INTERNATIONAL FILING DATE

02 June 2000 (02.06.2000)

PRIORITY DATE CLAIMED

04 June 1999 (04.06.1999)

TITLE OF INVENTION

IDENTIFICATION OF COMPOUNDS THAT MODIFY TRANSCRIPTIONAL RESPONSES TO HYPOXIA

APPLICANT(S) FOR DO/EO/US

LIVINGSTON, David M.; KUNG, Andrew L.; BHATTACHARYA, Shoumo

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

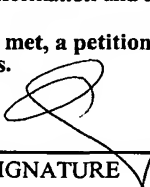
## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Express Mail Label No. EL918131607 US

Notification of Missing Requirements Under 35 U.S.C. 371

Response to Notification of Missing Requirements Under 35 U.S.C. 371

U.S. APPLICATION NO. <b>DOWN, SEE 37 CFR 10/009,584</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US00/15325</b>		ATTORNEY'S DOCKET NUMBER <b>20363-012 NATL</b>	
24. The following fees are submitted:.				<b>CALCULATIONS PTO USE ONLY</b>	
<b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :</b>					
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO . . . . .				<b>\$1040.00</b>	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . . .				<b>\$890.00</b>	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . .				<b>\$740.00</b>	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . .				<b>\$710.00</b>	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . .				<b>\$100.00</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$0.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<b>\$0.00</b>	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	- 20 =	0	x \$18.00	<b>\$0.00</b>	
Independent claims	- 3 =	0	x \$84.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$0.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$0.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$0.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input type="checkbox"/>	<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$0.00</b>	
				<b>Amount to be: refunded</b>	<b>\$</b>
				<b>charged</b>	<b>\$</b>
a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>50-0311</b> A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
<b>SEND ALL CORRESPONDENCE TO:</b>					
<b>ELRIFI, Ivor R.</b> <b>Mintz, Levin, Cohn, Ferris, Glovsky &amp; Popeo, P.C.</b> <b>One Financial Center</b> <b>Boston, Massachusetts 02111</b> <b>United States of America</b>			 <b>SIGNATURE</b> <b>Cynthia A. Kozakiewicz</b> <b>NAME</b> <b>42,764</b> <b>REGISTRATION NUMBER</b> <b>21 May 2002 (21.05.2002)</b> <b>DATE</b>		

Express Mail Label No.: EL918131607US  
Date of Deposit: May 21, 2002

Attorney Docket No: 17811-014 NATL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Livingston, *et al.*  
U.S. SERIAL  
NUMBER: 10/009,584  
INTERNATIONAL  
FILING DATE: June 2, 2000  
FOR: IDENTIFICATION OF COMPOUNDS THAT MODIFY TRANSCRIPTIONAL  
RESPONSES TO HYPOXIA

May 21, 2002  
Boston, Massachusetts

**Box PCT**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. §371**

In response to the Notification of Missing Requirements Under 35 U.S.C. §371, mailed March 22, 2002, for filing in the above-referenced patent application are the following documents:

- ☒ an executed Combined Declaration and Power of Attorney form [3 pp., 2 counterparts.];
- ☒ a Return Postcard; and
- ☒ two (2) copies of the Notification of Missing Requirements.

Although Applicants believe that no additional fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 20363-012 NATL. A duplicate of this Response is enclosed herewith.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. Respectfully submitted,



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Ivor R. Elrifi, Reg. No. 39,529  
Cynthia Kozakiewicz, Reg. No. 42,764  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Dated: May 21, 2002

TRA 1671034v1



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,584	David M Livingston	20363-012 NATL

INTERNATIONAL APPLICATION NO.
PCT/US00/15325

LA. FILING DATE	PRIORITY DATE
06/02/2000	06/04/1999

Elrifi, Ivor R.  
 Mintz Levin Cohn Ferris Glovsky & Popeo  
 One Financial Center  
 Boston, MA 02111

<input checked="" type="checkbox"/> Data Entry <input checked="" type="checkbox"/> Docket Entry <input type="checkbox"/> Docket Cross Off <input type="checkbox"/> Previously Entered <input type="checkbox"/> No Docketing Req <input type="checkbox"/> ELITE <input type="checkbox"/> Annuities	Done By J. Lee 5/27/02
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CONFIRMATION NO. 1758  
 371 FORMALITIES LETTER  
  
 "OC000000007659743"

Date Mailed: 03/22/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

**RECEIVED**  
 MAR 28 2002  
 MINTZ LEVIN, BOSTON  
 PATENT DOCKET DEPT.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 305-3738

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,584	PCT/US00/15325	20363-012

FORM PCT/DO/EO/905 (371 Formalities Notice)